APPENDIX "A"

IN THE

United States Court of Appeals

FOR THE FIFTH CIRCUIT

No. 23695

GEORGE ZARZOUR,

Appellant,

versus

UNITED STATES OF AMERICA,

Appellee.

Appeal from the United States District Court for the Northern District of Georgia.

(August 23, 1967.)

Before COLEMAN and AINSWORTH, Circuit Judges, and CARSWELL, District Judge.

PER CURIAM: Appellant was tried by jury and convicted of robbery of an Atlanta bank.

The only question before this Court for determination is the sufficiency of the evidence to identify appellant as one of two gun-carrying participants in the robbery.

The record shows that three witnesses made unequivocal identification of appellant as one of the robbers. Much of the testimony revolved around this central ques-

tion and our review of it convinces us that there was substantial evidence for the jury to conclude that this appellant was, in fact, an active participant in the robbery.

A filmstrip of the robbery was viewed by the jury four times, and, at the urging of counsel for appellant also was viewed by this panel. Upon the record as a whole, including our view of the film, we are convinced that there is no merit to appellant's contention. The testimony of one officer and two tellers in the bank at the time clearly identified this appellant as one of the two robbers. This alone would be sufficient predicate for the jury's verdict. The film, in our view, does not discredit their testimony at all. If anything it makes it clear that each of these witnesses did in fact have excellent opportunity to see what they say they saw.

The judgment is, accordingly,

AFFIRMED.

APPENDIX "B"

IN THE

United States Court of Appeals

FOR THE FIFTH CIRCUIT

No. 23695

GEORGE ZARZOUR,

Appellant,

versus

UNITED STATES OF AMERICA,

Appellee.

Appeal from the United States District Court for the Northern District of Georgia.

(March 19, 1968.)

On Petition for Rehearing

Before COLEMAN and AINSWORTH, Circuit Judges, and CARSWELL, District Judge.

PER CURIAM: Special leave was earlier granted to appellant to file petition for rehearing out of time. Nineteen numerical grounds have now been advanced which petitioner contends require a rehearing of this Court's affirmance of his conviction for bank robbery. It is urged that those grounds were not raised on the original appeal due to the incompetence and ineffectiveness of counsel on

appeal. The asserted errors attack the language of the indictment, the admissibility of certain evidence, the charge of the trial court, and allege prejudicial comments by the prosecutor in his closing argument. Petitioner urges that these, individually and collectively, were not considered by this Court on appeal and that they constitute plain error requiring reversal.

This Court has carefully reviewed the entire transcript of the record before it and has examined it in the light of petitioner's new contentions. We find the indictment legally sufficient, the charge of the court fair and correct, no prejudicial error in any of the remarks by government counsel, no inadmissible evidence received, and nothing to suggest incompetence or ineffectiveness of counsel. Neither individually nor collectively are the contentions of petitioner supported by the record. The petition for rehearing is

DENIED.